

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 3-4, 6 and 9-15 are presently active in this case. The present Amendment amends Claims 3-4 and 6, support for which is found at least in Fig. 5; Claims 1-2, 5 and 7-8 are cancelled without prejudice or disclaimer, Claims 9-15 are newly added. No new matter has been added.

The outstanding Office Action objected to Claims 2 and 4 because of informalities. Claims 1-8 were rejected under 35 U.S.C. §102(e) as anticipated by Cok (U.S. Patent No. 6,865,550).

In response to the objection to Claims, Claim 4 is amended to recite "recording." Accordingly, Applicants respectfully request that the objection to this claim be withdrawn.

In response to the rejection of Claims 3 and 6 under 35 U.S.C. §102(e), Applicants respectfully request reconsideration of this rejection and traverse the rejection, as discussed next.

Applicants' invention, as recited in amended Claim 3, relates to a data recording medium, including: a medium identification information unique to the data recording medium recorded on the data recording medium; a plurality of programs recorded on the data recording medium, wherein the medium identification information includes information with which one of the plurality of programs is designated; and a starting program, recorded on the data recording medium, configured to cause the program designated with the medium identification information to automatically start. Independent Claim 6 recites similar features in the context of a program starting method.

As explained in Applicants' Specification at page 2, lines 4-8, Applicants' invention improves upon conventional data recording mediums because it allows hardware on which a program runs to be restricted.

Turning now to the applied reference, Cok describes a system for secure distribution and playback of digital data.¹ Cok further describes that a playback device accesses data mediums and the playback identifiers for digital data playback.² However, Cok fails to disclose the claimed starting program, ***recorded on the data recording medium***, configured to cause the program designated with the medium identification information to automatically execute. On the contrary, Cok explicitly describes that the medium is inserted into the playback device and that the playback device accesses the medium and the identifiers.³ Cok is entirely silent on a starting program that is recorded on the data recording medium, configured to cause a program to start. A playback device accessing identifiers, as taught by Cok, is not a starting program recorded on the data recording medium, as claimed.

Therefore, the applied reference fails to disclose or suggest every feature recited in Applicants' claims, so that Claims 3-4 and 6 are patentably distinct over Cok. Accordingly, Applicants respectfully traverse, and request reconsideration of, the rejection based on Cok.⁴

New Claims 9-15, in addition to being dependent upon the above distinguished base claims, recite more detailed aspects of the Applicants' invention not disclosed or suggested by the references of record.

¹ See Cok in the Abstract.

² See Cok at column 3, lines 12-28.

³ See Cok at column 4, lines 27-32.

⁴ See MPEP 2131: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," (Citations omitted) (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."


Consequently, in view of the present Amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 3, 4 and 6 and 9-15 is earnestly solicited.

Respectfully submitted,

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